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09/475,950	12/31/1999	FRANK S. SAAVEDRA-LIM	E-833	7103

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EXAMINER

O CONNOR, GERALD J

ART UNIT

PAPER NUMBER

3627

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Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No. 09/475,950	Applicant(s) Saavedra-Lim
	Examiner O'Connor	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above, claim(s) none is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on Dec 31, 1999 is/are a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4

6) Other: _____

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the set of risks, the financial product, the customer(s), the database, the credit card, the business entity, the individual, the account, the profiles, the defined area of risk, the memory, and the population, must all be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure: The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of the use of the redundant language, "The invention is a" (line 11). Correction is required. See MPEP § 608.01(b).

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5. The very lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. The disclosure is objected to because of the following informality: " _____" (page 1, line 11) should be replaced with the appropriate application serial number.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, Second Paragraph

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claim 1, it is unclear to which one of the "one or more selected customers" the recitation, "said customer" (3 places on lines 7-8) is referring.

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10. Regarding claim 1, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claim 1 recites the broad recitation "a system user" (lines 10-11), and also recites "a merchant" (line 10), which is the narrower statement of the range/limitation.

11. Regarding claim 1, the term "remote" (line 16) is a relative term which renders the claim indefinite. The term "remote" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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12. Regarding each of claims 4-6, it is unclear to which “risk” of the “set of risks” the recitation, “said risk” (lines 2, 2, and 3, respectively) is referring.

13. Regarding claim 6, the lack of punctuation in lines 2-3 makes it unclear what “said account is representative of” and what “is a function of said individual’s profile and said business’ profile.”

14. Regarding claim 8, it is unclear what is being claimed.

15. Additionally, the claims are indefinite because the following recitations, found therein, lack a sufficient antecedent basis:

- In claim 1, line 15: “said assessment result”;
- In claim 4, line 2: “said account”;
- In claim 4, line 2: “said business affiliation”;
- In claim 4, line 3: “said individual’s profile”;
- In claim 5, line 2: “said account”;
- In claim 5, line 2: “said business affiliation”;
- In claim 5, line 3: “said business’ profile”;
- In claim 6, line 2: “said account”;
- In claim 6, lines 2-3: “said business affiliation”;

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- In claim 6, line 3: “said individual’s profile”;
- In claim 6, lines 3-4: “said business’ profile”;
- In claim 7, line 1: “said fraudi”;
- In claim 7, lines 1-2: “said assessment steps”;
- In claim 8, line 1: “said fraudi”;
- In claim 8, line 2: “said each one [of said fraudi]”;
- In claim 9, line 3: “said assessment methodology”;
- In claim 10, line 1: “said filtering step”; and,
- In claim 10, line 2: “said population”.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

17. Claims 1-10, as best understood in light of any rejections made hereinabove under 35 U.S.C. 112, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Walker et al. (US 6,064,987). Note that, in making this rejection, the nature of the owner of the credit card account, whether an individual or a business, has been deemed merely a “for use” application of the claimed invention, hence, afforded little patentable weight.

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Conclusion

18. The prior art made of record and not relied upon is considered pertinent to the disclosure.
19. A letter from applicant, inquiring as to the status of the instant application, was received by the Office on June 25, 2001, and by the examiner on July 1, 2002. While it appears that no response has heretofore been provided, this action is presumed to be responsive to that request.
20. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O'Connor, whose telephone number is (703) 305-1525, and whose facsimile number is (703) 746-3976.

GJOC

July 1, 2002



Gerald J. O'Connor
Patent Examiner
Group Art Unit 3627